

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

2.25

Focused Inspections in Construction & Third-Party Recognition Programs Date: May 26, 2005

I. Background

Since August of 1995, the Department of Labor and Industries has included a provision for inspectors enforcing the Washington Industrial Safety and Health Act (WISHA) to engage in “Focused Safety Inspections” in construction workplaces. However, the program does not significantly reduce the amount of time spent in construction inspections, particularly in smaller worksites, and is therefore used only on an infrequent basis.

However, L&I remains interested both in using its resources wisely and in minimizing unnecessary disruptions to construction workplaces visited by WISHA enforcement staff. For that reason, the previous focused inspections program, described in WISHA Interim Operations Memorandum #97-2-G, is being replaced by a new effort to focus WISHA resources on the most serious problems in the workplace. The approach adopted in this WISHA Regional Directive relies upon existing workplace health and safety recognition programs being operated by trade associations within the construction industry to reduce the amount of time spent in such inspections, particularly in relation to the review of records and written programs. Although only the programs of the Associated Builders and Contractors of Western Washington, the Associated General Contractors of Washington, and the Inland Northwest AGC are named at this time, the WRD will be updated to reflect any future review by WISHA Policy & Technical Services (P&TS).

Because such recognition programs have a strong incentive for maintaining the integrity of their overall process, WISHA staff will take those programs – and the work they have already done with employers – into account when conducting enforcement visits (involving both safety and industrial hygiene).

The new focused inspection program adopted by this WRD will be reevaluated during the first part of 2006 to determine whether it should be continued indefinitely.

II. Scope and Application

This WISHA Regional Directive will remain in effect until rescinded or replaced. It replaces WIOM #97-2-G, which is hereby rescinded.

III. Inspection Protocols

A. How will L&I enforcement staff (both safety and hygiene) identify candidates for focused inspections in construction?

The focused inspection program will be extended to employers in the association recognition program, not merely to association members. If, when an inspection is initiated or at any time after that, the employer identifies itself as a participant in the ABC of Western Washington *Safety Alliance* or the AGC of Washington and Inland Northwest *AGC Safety Team*, and provides current documentation of that participation, the inspector is expected to conduct an inspection with the guidance in III-B.

If doubts or questions about an employer's status need to be resolved, the ABC of Western Washington safety and health staff can be reached at (425)646-8000, and the AGC of Washington safety and health staff can be reached at (206)284-0061.

B. How are staff expected to conduct focused inspections?

1. During all inspections conducted by WISHA enforcement staff within the construction industry, the inspector is expected to first conduct an opening conference consistent with current WISHA guidelines in the Compliance Manual and any applicable WRDs.
2. In the event of an inspection due to a referral, complaint, accident or fatality investigation, the inspector must inspect the worksite and its programs as necessary to address the items raised by the referral, complaint, accident, or fatality. For issues beyond that scope, the inspection should be conducted in accordance with the guidance in #3 below.
3. During any programmed inspection of members of the ABC of Western Washington Safety Alliance or the AGC of Washington Safety Team, the inspector is expected to treat the inspection as a focused inspection unless and until he or she determines that a comprehensive inspection is necessary.
 - a) Such a focused inspection *is not* expected to include a review of the various programs that may be required, although a review of the site-specific fall protection work plan may be necessary to address questions regarding any hazards identified.
 - b) A focused safety inspection *is* expected to include an assessment of any physical hazards related to fall protection, electrocution (high voltage and low voltage), overhead hazards, trenching and excavation. Other potential serious hazards that come to the inspector's attention during the course of the inspection must also be addressed and, if violations are documented, must be cited. General violations identified and abated during the course of the inspection must not be cited.

- c) A focused hygiene inspection *is* expected to include an assessment of the use of appropriate respirators, the use of appropriate noise protection and the use of appropriate engineering and other controls to address respiratory hazards. Other potential serious hazards that come to the inspector's attention during the course of the inspection must also be addressed. General violations identified and abated during the course of the inspection must not be cited.
 - d) If a review of one or more programs is indicated based on problems found at the site, the focused inspection can include a review of all or a portion of the program in question (for example, if there appear to be problems with respirator selection, it is certainly appropriate to review the employer's written respiratory protection program). If required programs do not exist or are seriously deficient, the inspector should discontinue the focused inspection and conduct a comprehensive inspection (notifying the Senior Program Manager or the Safety Program Manager in WISHA Policy & Technical Services to enable appropriate follow-up with the sponsoring association).
 - e) If the inspector finds serious violations whose nature or number suggests systemic problems with the employer's implementation of workplace health and safety programs, the inspector may discontinue the focused inspection and conduct a comprehensive inspection (notifying the Senior Program Manager or the Safety Program Manager in WISHA P&TS to enable appropriate follow-up with the sponsoring association).
- C. *How should staff address inquiries from employers about how they can participate in focused inspections?*

Questions about participation in one of the programs recognized by this WRD should be directed to the sponsoring organization. Inquiries about how additional programs can be considered and perhaps recognized by L&I should be directed to the Senior Program Manager or the Safety Program Manager in WISHA P&TS.

Approved: _____
Michael Wood, Acting Assistant Director
WISHA Services Division

For further information about this or other WISHA Regional Directives, you may contact WISHA Policy & Technical Services at P.O. Box 44648, Olympia, WA 98504-4648 -- or by telephone at (360)902-5503. You also may review policy information on the WISHA Website (<http://www.lni.wa.gov/Safety/>).